

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Southwestern )  
Bell Telephone Company, d/b/a AT&T Missouri, for ) **File No. TK-2020-0041**  
Approval of an Amendment to an Interconnection )  
Agreement Under the Telecommunications Act of 1996 )

**ORDER DIRECTING NOTICE AND MAKING  
CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES, INC. A  
PARTY**

Issue Date: August 23, 2019

Effective Date: August 23, 2019

This order provides notice of a proposal to adopt an interconnection agreement and joins the other party to the agreement as a party to this proceeding.

On August 20, 2019, Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri) filed a Notice of Adoption of Interconnection Agreement, notifying the Commission of Consolidated Communications Enterprise Services, Inc.'s desire to adopt the terms of the Interconnection Agreement between Peerless Network of Missouri, LLC (Peerless) and AT&T Missouri, pursuant to Section 252(i) of the federal Telecommunications Act of 1996.<sup>1</sup> The Agreement between AT&T Missouri and Peerless was approved by the Commission in File No. IK-2017-0054.

Although Consolidated Communications is a party to the agreement, it did not join in the notice. Because Consolidated Communications is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecom-

munications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity.<sup>2</sup> The Act provides further that a local exchange carrier “shall make available any interconnection, services, or network element provided under an agreement . . . to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.”<sup>3</sup> This provision has been interpreted as permitting any carrier to adopt any interconnection agreement previously entered into by any local exchange carrier with any other carrier. The Federal Communications Commission has adopted 47 C.F.R. Section 51.809 (Rule 809), referred to as the “pick and choose” rule, to implement Section 252(i). Rule 809 requires an incumbent local exchange company to make available to any requesting telecommunications carrier “any individual interconnection, service or network element arrangement contained in any agreement to which it is a party that is approved by a state commission pursuant to section 252 of the Act. . . .”

The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing.

Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously.

The Commission finds that notice of this case shall be sent to all interexchange and local exchange telecommunications companies.

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<sup>1</sup> See 47 U.S.C. § 252, *et seq.*

<sup>2</sup> 47 U.S.C. § 252(e).

<sup>3</sup> 47 U.S.C. § 252(i).

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.

2. Consolidated Communications Enterprise Services, Inc. is made a party to this case.

3. Any party wishing to request a hearing shall do so by filing a pleading no later than September 12, 2019, with:

Morris L. Woodruff, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

and send copies to:

Leo J. Bub  
Southwestern Bell Telephone  
Company, d/b/a AT&T Missouri  
1010 Pine Street, Room 19E-D-01  
St. Louis, Missouri 63101

Consolidated Communications  
Legal Department  
121 South 17<sup>th</sup> Street  
Mattoon, IL 61938

and:

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, Missouri 65102

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of the proposed adoption of the Interconnection Agreement, and giving its reasons therefor, no later than September 23, 2019.

5. This order shall become effective on August 23, 2019.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary



Morris L. Woodruff, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 23rd day of August, 2019.

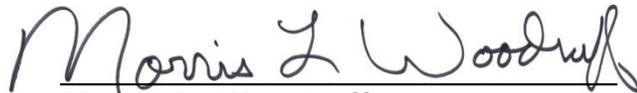
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 23<sup>rd</sup> day of August 2019.



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 23, 2019**

**File/Case No. TK-2020-0041**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

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**AT&T Missouri**

Leo J Bub  
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**Consolidated Communications  
(Enterprise)**

Legal Department  
121 South 17th Street  
Mattoon, IL 61938

**Missouri Public Service  
Commission**

Ron Irving  
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P.O. Box 360  
Jefferson City, MO 65102  
Ron.Irving@psc.mo.gov

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

*Sincerely,*



**Morris L. Woodruff  
Secretary**

**Distributed to all Interexchange and Local Exchange Telecommunications Companies.**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.